

Minutes Tempe Police Public Safety Personnel Retirement Board January 7, 2010

Minutes of the Tempe Police Public Safety Personnel Retirement Board, held on Thursday, January 7, 2010, 3:00 p.m., Tempe City Hall – Mayor's Office, 31 E. 5th Street, Tempe, Arizona.

Board Members Present:

Mayor Hugh Hallman
Todd Bailey
Joe Brosius
Jeff McHenry

Board Members Absent:

Jim Foley

City Staff Present:

Jan Hort, Clerk's Office
Lourdes Robertson, Human Resources
Lynna, Soller, Human Resources

Guests Present:

Mayor Hallman called the meeting to order at 3:05 p.m.

ITEM I – Consideration of Meeting Minutes – December 10, 2009 - & Executive Session Minutes – December 10, 2009

Todd Bailey made notations for changes to the minutes. Board directed the Clerk to review the December 10, 2009 tape for notable corrections which included board member attendance, votes and additional discussion points of the record and resubmit to the Board for approval.

Todd Bailey made a motion to approve the December 10, 2009 Executive Session meeting minutes. Joe Brosius seconded the motion. Motion passed unanimously.

ITEM III – Retirement Applications

Todd Bailey made a motion to accept the DROP for **Jeffery Craft** and **Michael Fleming**. Jeff McHenry seconded the motion. Motion passed unanimously.

ITEM IV – Ralph Tranter Lawsuit:

The board was made aware of the litigation brought forth by Ralph Tranter, Jr. regarding the board's decision not to approve a disability retirement. Mr. Niederdeppe sought direction from the board to engage in a defensible lawsuit on behalf of the board.

Jeff McHenry felt that if that was the decision the board made they should defend it.

Mayor Hallman's position is that that the board decided wrongly on the case.

Jeff McHenry made a motion to approve the board's legal counsel (David Niederdeppe) to engage in a defensible lawsuit brought by Chief Tranter. Joe Brosius seconded the motion. Motion carried 3 to 1.

ITEM V – End of Drop/Disability Case Update:

Mr. Niederdeppe (through a memo submitted to the board) asked the board if they would like to precede to engage with the fund manager regarding the end of drop/disability issues that the board has run into a few times.

Mayor Hallman proposed that the chair and Mr. Niederdeppe schedule a meeting to see how the legislation ought to be fixed or how it will be interpreted so that people will have an easier time when they are applying for disability.

The Board Secretary was directed to engage Mr. Niederdeppe to schedule a meeting to include counsel, the Chair and the Fund Manager with an additional meeting of the counsel and Chair one half hour beforehand to enable counsel and the Chair to make sure they understand and can articulate the issues clearly.

Joe Brosius made a motion to adjourn the meeting. Seconded by Todd Bailey. Motion passed unanimously.

Meeting was adjourned at 3:10 p.m.

Prepared by: Jaclyn Levin

Jan Hort
City Clerk